

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

MOSDOS CHOFETZ CHAIM INC.,

Debtor.

CONGREGANTS OF MOSDOS CHOFETZ CHAIM
INC. A/K/A KIRYAS RADIN,

Plaintiffs,

- against -

MOSDOS CHOFETZ CHAIM INC., CHOFETZ
CHAIM INC., TBG RADIN LLC, SHEM OLAM, LLC,
CONGREGATION RADIN DEVELOPMENT INC.,
ARYEH ZAKS, BEATRICE WALDMAN ZAKS,
MENDEL ZAKS, GITTEL ZAKS LAYOSH,
ELIYAHU LAYOSH, SAMUEL MARKOWITZ,
DEBORAH ZAKS HILLMAN, YOM T. HENIG,
STEVEN GREEN, DANIEL GREEN, ABRAHAM
ZAKS and STERLING NATIONAL BANK,

Defendants.

AFFIDAVIT OF SERVICE

Chapter 11 – Post Confirmation

Case No. 12-23616 (RDD)

Adv. Proc. No. 21-7023 (RDD)

STATE OF NEW YORK)
) SS.:
COUNTY OF WESTCHESTER)

I, Laura Iorio, being duly sworn, depose and say that:

I am an administrative assistant at the firm of Abrams Fensterman, LLP, located at 81 Main Street, White Plains, New York 10601; I am over the age of 18 years; I am not a party to this action; and

That on August 2, 2022, I served the within ORIGINAL BOND by depositing a true copy thereof enclosed to the following persons at the last known addresses set forth:

BY HAND DELIVERY:

Clerk of the Court
United States Bankruptcy Court
Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601

BY ELECTRONIC MAIL:

Michael Levine, Esq.
ml@levlaw.org

Tracy Klestadt, Esq.
TKlestadt@klestadt.com

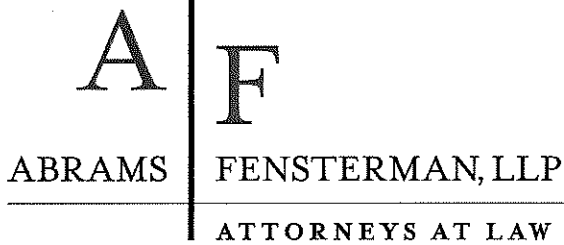
Brendan Scott, Esq.
Bscott@klestadt.com


Laura Iorio

Sworn to before me this
2nd day of August, 2022


Notary Public

TAMMY MARIE MAZZULLO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MA6301698
Qualified in Westchester County
Commission Expires April 21, 2026



White Plains
81 Main Street, Suite 400
White Plains, NY 10601
914.607.7010 | P
info@abramslaw.com | E

Long Island • Brooklyn • White Plains • Rochester • Albany • Manhattan

August 2, 2022

BY HAND DELIVERY

Clerk of the Court
United States Bankruptcy Court
Southern District of New York
The Hon. Charles L. BRIANT Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: *In re: Mosdos Chofetz Chaim Inc.*, 12-23616 (SHL)
Congregants of Mosdos Chofetz Chaim Inc. v. Mosdos Chofetz Chaim Inc. et al., Adv.
Proc. No. 21-07023 (SHL)

To Whom it May Concern:

This firm represents the Movants as defined in the attached Order to Show Cause dated July 27, 2022. Enclosed is a \$30,000 bond (E707022) filed in connection with *In re: Mosdos Chofetz Chaim Inc.*, 12-23616 (SHL), more specifically Adv. Proc. No. 21-7023 (SHL). Pursuant to the attached Order to Show Cause, Movants are required to file the attached bond with the Clerk of the Court.

Respectfully yours,

ABRAMS FENSTERMAN, LLP



Daniel S. Alter

cc: Michael Levine, Esq. (by email, with enclosures (ml@levlaw.org))
Tracy Klestadt, Esq. (by email, with enclosures (TKlestadt@Klestadt.com))
Brendan Scott, Esq. (by email, with enclosures (BScott@Klestadt.com))

ABRAMS FENSTERMAN, LLP
81 Main Street, Suite 400
White Plains, New York 10601
(914) 607-7010
Robert A. Spolzino
Daniel S. Alter
Counsel for Plaintiffs

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

MOSDOS CHOFETZ CHAIM INC.,

Debtor.

Chapter 11 – Post Confirmation

Case No. 12-23616 (RDD)

CONGREGANTS OF MOSDOS CHOFETZ CHAIM
INC. A/K/A KIRYAS RADIN,

Plaintiffs,

- against -

Adv. Proc. No. 21-07023 (SHL)

MOSDOS CHOFETZ CHAIM INC., CHOFETZ
CHAIM INC., TBG RADIN LLC, SHEM OLAM,
LLC, CONGREGATION RADIN DEVELOPMENT
INC., ARYEH ZAKS, BEATRICE WALDMAN
ZAKS, MENDEL ZAKS, GITTEL ZAKS LAYOSH,
ELIYAHU LAYOSH, SAMUEL MARKOWITZ,
DEBORAH ZAKS HILLMAN, YOM T. HENIG,
STEVEN GREEN, DANIEL GREEN, ABRAHAM
ZAKS and STERLING NATIONAL BANK,

Defendants.

ORDER TO SHOW CAUSE

Upon the emergency application of Rabbi Mayer Zaks, Sima Zaks Weintraub, Aron Zaks, Henech Zaks, Yosef Tzvi Zaks, Nochum Brody and Leah Brody (on behalf of themselves and their minor children, Chaya Bracha Brody, Ester Malka Brody, Moshe Aron Brody, Miriam Freda Brody, Batsheva Rivka Brody, Gershon Brody, Sara Devorah Brody, Chana Eitel Brody, Faigy Temams Brody, Shmuel Brody), Yisroel Hochman, Faigy Hochman (on behalf of themselves and

their minor children, Avrohom Gershon Hochman, Yaakov Tzvi Hochman, Menachem Mendel Yosef Hochman, Aron Yehuda Hochman), Shimon Zaks and Leah Zaks (on behalf of themselves and their minor child, Yehoshua Zaks) (collectively, the "Movants" or the "Families") for an order extending this Court's order, dated June 3, 3022 [ECF No. 246] ("Stay Order"), which stayed portions of the Court's prior order, dated April 14, 2022, directing that the Families' be evicted from their homes by June 15, 2022 (the "Eviction Order"), and upon the accompanying declaration of: Daniel S. Alter, dated July 27, 2022 ("Alter Declaration");

Let defendants Rabbi Aryeh Zaks, Congregation Radin Development Inc. ("CRDI"), Chofetz Chaim Inc. ("CCI") and Mosdos Chofetz Chaim Inc. ("Mosdos" and collectively with Rabbi Aryeh Zaks, CRDI, and CCI, the "Defendants") show cause before the Honorable Sean H Lane, United States Bankruptcy Judge, Southern District of New York Courtroom 118, 300 Quarropas Street on **August 15, 2022 at 10:00 a.m.** on that day or soon thereafter as counsel may be heard why an order should not be entered pursuant to Fed. R. Bankr. P. 8007(a) extending the Stay Order pending appeal of the Eviction Order; and it is further

ORDERED, that on or before July 28, 2022, the Movants shall serve this order to show cause and the supporting Alter Declaration by overnight mail and email (where known) upon: (i) counsel to Rabbi Aryeh Zaks, Goldberg Weprin Finkel & Goldstein LLP, 1501 Broadway, 22nd floor, New York, New York 10036, Attn; Kevin Nash; (ii) counsel to Mosdos and CCI, Levine & Associates, 15 Barclay Road, Scarsdale, New York 10583, Attn; Michael Levine; and (iii) counsel for CRDI, Klestadt Winters Jureller Southard & Stevens, LLP, 200 West 41st Street, 17th Floor New York, NY 10036-7203, Attn: Tracy Klestadt, by ECF, which shall be deemed good and sufficient service; and it is further

ORDERED, that the Movants shall file any supplemental papers, which shall be served by overnight mail and email (where known), in support of this Order to Show Cause by August 1, 2022; and it is further

ORDERED, that the Defendants shall serve and file their papers in opposition, if any, by August 10, 2022; and it is further

ORDERED, that the Movants shall serve and file their reply papers by 12:00 noon on August 12, 2022; and it is further

ORDERED, that, due to the potential irreparable harm addressed by this application, and as interim relief maintaining the status quo until the parties may be heard, the Stay Order is extended, and the Eviction Order is further stayed, on all of the same terms and conditions set forth in the Stay Order, until further Order of this Court after the hearing on August 15, 2022. The terms and conditions include, but are not limited to, the following:

1. By 5:00 p.m. on August 1, 2022, the Movants shall pay directly to CRDI or to the Clerk of the Court, as the case may be, or file a bond in a form acceptable to the Court securing payment of, the following amounts:
 - (a) Rabbi Mayer Zaks, Sima Zaks Weintraub and Shimon Zaks collectively shall pay to CRDI \$5,350 per month;
 - (b) Nachum Z. Brody shall pay to CRDI \$5,350 per month;
 - (c) Yisroel and Faigy Hochman, collectively, shall pay to CRDI \$3,375 per month;
 - (d) Rabbi Mayer Zaks shall separately pay to the Clerk of the Court the sum of \$5,000.00;
 - (e) Sima Zaks Weintraub shall separately pay to the Clerk of the Court the sum of \$5,000.00;

- (f) Shimon Zaks shall separately pay to the Clerk of the Court the sum of \$5,000.00;
 - (g) Nachum Z. Brody shall separately pay to the Clerk of the Court the sum of \$5,000.00;
 - (h) Yisroel Hochman shall separately pay to the Clerk of the Court the sum of \$5,000.00; and
 - (i) Faigy Hochman shall separately pay to the Clerk of the Court the sum of \$5,000.00
2. If any of the foregoing payments to be paid to CRDI is not timely received by CRDI, or appropriately bonded, CDRI shall file with the Court a certification by counsel that the same was not timely received or bonded and serve a copy of the certification on counsel for the Movants who filed the Motion. The person required to make the payment or obtain the bond shall then have three days to demonstrate to the Court that the payment has been made or bonded. If such person fails to demonstrate that the payment was made or bonded in that time, the Stay shall no longer apply to such person or persons, and counsel for CRDI shall submit an order to the Court confirming the foregoing.
3. To the extent the Supersedeas Bond required by the Stay Order has expired or will expire on or before August 31, 2022, the Movants shall file on the docket of this adversary proceeding a new supersedeas bond (the "New Supersedeas Bond") from a commercially reputable bonding company acceptable to the Court guaranteeing the payment in the amount of 110% of the total Monetary Judgments entered against them by the Court on April 14, 2022, upon the affirmance of the Second Enforcement Order and/or the respective Monetary Judgments. Upon Movants' posting of the Supersedeas

Bond, CRDI shall be prohibited from taking any steps to execute and collect the Monetary Judgments pending Movants' appeal of same; and it is further

ORDERED, that this Court shall retain exclusive jurisdiction to resolve all matters relating to, or arising in connection with, the interpretation, enforcement and/or implementation of this Order.

Dated: White Plains, New York
July 27, 2022

/s/ Sean H. Lane
UNITED STATES BANKRUPTCY JUDGE

Great American Insurance Company

In the United States Bankruptcy Court
Southern District State of New York

MOSDOS CHOFETZ CHAIM INC.

Debtor.

CONGREGANTS OF MOSDOS CHOFETZ CHAIM INC. A/K/A/ KIRYAS RADIN,

Plaintiff,

vs

MOSDOS CHOFETZ CHAIM INC., CHOFETZ CHAIM
INC., TBG RADIN LLC, SHEM OLAM, LLC,
CONGREGATION RADIN DEVELOPMENT INC., ARYEH
ZAKS, BEATRICE WALDMAN ZAKS, MENDEL ZAKS,
GITTEL ZAKS LAYOSH, ELIYAHU LAYOSH, SAMUEL MARKOWITZ,
DEBORAH ZAKS HILLMAN, YOM T.
HENIG, STEVEN GREEN, DANIEL GREEN, ABRAHAM ZAKS and
STERLING NATIONAL BANK,

Defendants,

Case No. 12-23616rdd

UNDERTAKING UNDER SECTION Appeal

Great American Insurance Company
301 E 4th St
Cincinnati, OH 45202

WHEREAS MAYER ZAKS, ON BEHALF OF HIMSELF AND SIMA ZAKS, WEINTRAUB, ARON ZAKS, HENOKH ZAKS, YOSEF TZVI ZAKS, NACHUM Z. BRODY, LEAH BRODY, YISROEL HOCHMAN, AND FAIGY HOCHMAN ("THE ZAKS") DESIRES TO GIVE AN UNDERTAKING FOR AN APPEAL FROM THE ORDER OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK "BANKRUPTCY COURT", DATED APRIL 14, 2022 ("APRIL 14TH ORDER"), IMPOSING COERCIVE MONETARY SANCTIONS (THE "APPEAL"),

NOW THEREFORE, THE UNDERSIGNED SURETY, DOES HEREBY OBLIGATE ITSELF, JOINTLY AND SEVERALLY, TO THE CLERK, UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK UNDER SAID STATUTORY OBLIGATIONS, IN THE SUM OF THIRTY THOUSAND (\$30,000). THAT OBLIGATION IS MADE TO PAY FUTURE COERCIVE MONETARY SANCTIONS IMPOSED AGAINST THE ZAKS, AS CALCULATED AND DIRECTED IN ACCORDANCE WITH THE BANKRUPTCY COURT'S ORDER OF JULY 27, 2022.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, IF THE ZAKS SHALL WELL AND TRULY PROSECUTE THE APPEAL WITH EFFECT AND SHALL, IF THE JUDGEMENT OF THE APPELLATE COURT BE AGAINST IT, PERFORM SUCH JUDGEMENT OR DECREE OF SAID COURT, AND PAY ALL SUCH SUMS AS MAY BE AWARDED AGAINST IT ON SUCH APPEAL, THEN THIS OBLIGATION SHALL BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT. THE CONDITION FOR PAYMENT OF THE BOND IS THE DISMISSAL; OF THE APPEAL OR THE AFFIRMANCE OF THE APPEAL OF THE BANKRUPTCY COURT'S JUDGEMENT OF APRIL 14, 2022 OR ANY MODIFIED JUDGEMENT IN FAVOR OF CONGREGATION RADIN DEVELOPMENT INC.

IN WITNESS WHEREOF, The corporate seal and name of the said Surety Company is hereto affixed and attested by
Valerie Aber who declares under penalty of perjury that he is its duly authorized Attorney-in-Fact acting under an
unrevoked power of attorney on file with the Clerk of the County in which above entitled Court is located.

Executed at Litchfield Park, AZ, 29th on July 2022

Bond No. E707022

Great American Insurance Company

Attorney-in-Fact Valerie Aber

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF ARIZONA
COUNTY OF MARICOPA } SS.

ON 07/29/22 BEFORE ME, Joshua Ferman

PERSONALLY APPEARED VALERIE ABER, ATTORNEY-IN-FACT

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ARIZONA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE



JOSHUA FERMAN
Notary Public - State of Arizona
MARICOPA COUNTY
Commission # 561267
Expires April 12, 2023

THIS AREA FOR OFFICIAL NOTORIAL SEAL

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by
this power of attorney is not more than one

Bond No. E707022

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, the specific bond, undertaking or contract of suretyship referenced herein; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below. The bond number on this Power of Attorney must match the bond number on the bond to which it is attached or it is invalid.

Name	Address	Limit of Power
Valerie Aber	13341 W Indian School Rd, Suite 305, Litchfield Park, AZ 85340	\$30,000.00

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 29th day of July, 2022
GREAT AMERICAN INSURANCE COMPANY
Attest



Atty L C. B.
Assistant Secretary

Mark V. Vicario
Divisional Senior Vice President

MARK VICARIO (877-377-2405)

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 29th day of July, 2022, before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



SUSAN A KOHORST
Notary Public
State of Ohio
My Comm. Expires
May 18, 2025

Susan A Kohorst

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 29th day of July, 2022



Atty L C. B.
Assistant Secretary



301 East 4th Street
Cincinnati, OH 45202

GAIG.com

GREAT AMERICAN INSURANCE COMPANY

STATEMENT OF ASSETS, LIABILITIES AND CAPITAL & SURPLUS AS OF DECEMBER 31, 2021

ADMITTED ASSETS	LIABILITIES, CAPITAL AND SURPLUS
<p>Bonds..... \$ 4,634,160,877</p> <p>Stocks..... 1,342,077,362</p> <p>Mortgage loans on real estate..... 610,128,164</p> <p>Real estate (net of encumbrances)..... 2,157,418</p> <p>Cash and short-term investments..... 1,062,849,476</p> <p>Other invested assets..... 1,716,473,834</p> <p>Receivable for securities..... 720,833</p> <p>Investment income due and accrued..... 36,264,700</p> <p>Agents' and premium balances..... 741,660,659</p> <p>Reinsurance recoverable on loss payments..... 82,020,920</p> <p>Net deferred tax asset..... 80,340,794</p> <p>Receivable from affiliates..... 12,188,429</p> <p>Receivable from Federal Crop Insurance Corporation..... 559,865,780</p> <p>Company owned life insurance..... 196,874,070</p> <p>Funds held as collateral..... 6,793,195</p> <p>Funded deductibles..... 28,797,876</p> <p>Other admitted assets..... 48,333,183</p>	<p>Unpaid losses and loss expenses..... \$ 4,808,584,991</p> <p>Reserve for underwriting expenses..... 374,148,550</p> <p>Federal income taxes..... 24,616,831</p> <p>Reserve for unearned premiums..... 1,751,526,656</p> <p>Ceded reinsurance premiums payable..... 203,873,832</p> <p>Funds held under reinsurance treaties..... 640,117,270</p> <p>Retroactive reinsurance ceded..... (85,777,045)</p> <p>Provision for reinsurance..... 41,494,800</p> <p>Other liabilities..... 193,419,576</p> <p>Total liabilities..... 8,040,015,461</p> <p>Capital stock..... \$ 15,440,600</p> <p>Paid in surplus..... 887,143,561</p> <p>Special surplus funds..... 77,301,464</p> <p>Unassigned funds..... 2,117,816,554</p> <p>Policyholders' surplus..... 3,097,702,179</p>
Total..... \$ 11,137,717,640	Total..... \$ 11,137,717,640

Securities have been valued on the basis prescribed by the National Association of Insurance Commissioners.

STATE OF OHIO

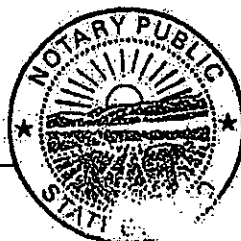
COUNTY OF HAMILTON

Robert J. Schwartz, Vice President and Controller, and Stephen Baraha, Assistant Vice President and Assistant Secretary, being duly sworn, each for himself deposes and says that they are the above described officers of the Great American Insurance Company of Cincinnati, Ohio; that said Company is a corporation duly organized, existing and engaged in business as a Surety by virtue of the laws of the State of Ohio and has duly complied with all the requirements of the laws of said state applicable to said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under Public Law 97-258 enacted September 13, 1982 (96 Stat. 1047 as amended: 31 U.S.C. 9304-9306); that to the best of their knowledge and belief the above statement is a full, true and correct Statement of the Assets, Liabilities and Capital & Surplus of the said Company as of December 31, 2021.

Subscribed and sworn to before me

this 25th day of February, 2022.

Holly M. Clayton
Public Notary
Notary Public, State of Ohio
My Commission Expires April 28, 2025



Robert J. Schwartz
Controller
Stephen Baraha
Assistant Secretary